

STATE OF SOUTH CAROLINA

(Caption of Case)

In re:
Sally Simmons,
Complainant/Petitioner

v.

Duke Energy Carolinas, LLC,
Respondent.

BEFORE THE
PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA

COVER SHEET

DOCKET

NUMBER: 2009 - 148 - E

(Please type or print)

Submitted by: Catherine E. HeigelSC Bar Number: 9268Address: 526 S. Church Street, EC03TTelephone: 704-382-8123Charlotte, NC 28202Fax: 704-382-5690

Other: _____

Email: catherine.heigel@duke-energy.com

NOTE: The cover sheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for use by the Public Service Commission of South Carolina for the purpose of docketing and must be filled out completely.

DOCKETING INFORMATION (Check all that apply)

☐ Emergency Relief demanded in petition ☒ Request for item to be placed on Commission's Agenda expeditiously

☐ Other: Letter Renewing Motion to Dismiss

INDUSTRY (Check one)	NATURE OF ACTION (Check all that apply)		
<input checked="" type="checkbox"/> Electric	<input type="checkbox"/> Affidavit	<input checked="" type="checkbox"/> Letter	<input type="checkbox"/> Request
<input type="checkbox"/> Electric/Gas	<input type="checkbox"/> Agreement	<input type="checkbox"/> Memorandum	<input type="checkbox"/> Request for Certificatio
<input type="checkbox"/> Electric/Telecommunications	<input type="checkbox"/> Answer	<input type="checkbox"/> Motion	<input type="checkbox"/> Request for Investigator
<input type="checkbox"/> Electric/Water	<input type="checkbox"/> Appellate Review	<input type="checkbox"/> Objection	<input type="checkbox"/> Resale Agreement
<input type="checkbox"/> Electric/Water/Telecom.	<input type="checkbox"/> Application	<input type="checkbox"/> Petition	<input type="checkbox"/> Resale Amendment
<input type="checkbox"/> Electric/Water/Sewer	<input type="checkbox"/> Brief	<input type="checkbox"/> Petition for Reconsideration	<input type="checkbox"/> Reservation Letter
<input type="checkbox"/> Gas	<input type="checkbox"/> Certificate	<input type="checkbox"/> Petition for Rulemaking	<input type="checkbox"/> Response
<input type="checkbox"/> Railroad	<input type="checkbox"/> Comments	<input type="checkbox"/> Petition for Rule to Show Cause	<input type="checkbox"/> Response to Discovery
<input type="checkbox"/> Sewer	<input type="checkbox"/> Complaint	<input type="checkbox"/> Petition to Intervene	<input type="checkbox"/> Return to Petition
<input type="checkbox"/> Telecommunications	<input type="checkbox"/> Consent Order	<input type="checkbox"/> Petition to Intervene Out of Time	<input type="checkbox"/> Stipulation
<input type="checkbox"/> Transportation	<input type="checkbox"/> Discovery	<input type="checkbox"/> Prefiled Testimony	<input type="checkbox"/> Subpoena
<input type="checkbox"/> Water	<input type="checkbox"/> Exhibit	<input type="checkbox"/> Promotion	<input type="checkbox"/> Tariff
<input type="checkbox"/> Water/Sewer	<input type="checkbox"/> Expedited Consideration	<input type="checkbox"/> Proposed Order	<input type="checkbox"/> Other:
<input type="checkbox"/> Administrative Matter	<input type="checkbox"/> Interconnection Agreement	<input type="checkbox"/> Protest	
<input type="checkbox"/> Other:	<input type="checkbox"/> Interconnection Amendment	<input type="checkbox"/> Publisher's Affidavit	
	<input type="checkbox"/> Late-Filed Exhibit	<input type="checkbox"/> Report	



DUKE ENERGY CAROLINAS, LLC
526 South Church St.
Charlotte, NC 28202

Mailing Address:
EC03T / PO Box 1006
Charlotte, NC 28201-1006

CATHERINE E. HEIGEL
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August 21, 2009

Mr. Charles L.A. Terreni
Chief Clerk/Administrator
The Public Service Commission of South Carolina
P. O. Drawer 11649
Columbia, South Carolina 29211

Re: Sally Simmons, Petitioner v. Duke Energy Carolinas, LLC, Respondent
PSC Docket No. 2009-148-E

Dear Mr. Terreni:

On May 8, 2009, Duke Energy Carolinas, LLC ("Duke Energy Carolinas" or the "Company") filed an Answer and Motion to Dismiss with the Public Service Commission of South Carolina (the "Commission") in the above-referenced case. On May 27, 2009, the Commission issued Order No. 2009-345 holding the Company's Motion to Dismiss in abeyance and directing Commission Staff to schedule a hearing in the matter. On June 5, 2009, the Commission issued a Notice of Hearing and Prefile Testimony Letter. The Prefile Testimony Letter required Ms. Simmons to file testimony by August 17, 2009. As of August 20, 2009, Ms. Simmons had not filed testimony in this matter. Accordingly, Duke Energy Carolinas renews its Motion to Dismiss at this time.

Please do not hesitate to contact me if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Catherine E. Heigel".

Catherine E. Heigel
Associate General Counsel

cc: J. Nelson, ORS
S. Simmons, Petitioner